

REMARKS

Claims 1, 3, 5, 8 and 9 are pending in this application. By this Amendment, claims 1, 3 and 5 are amended, claims 2, 4, 6 and 7 are canceled without prejudice to, or disclaimer of, the subject matter recited therein, and claims 8 and 9 are added. Specifically, claim 1 is amended to incorporate the allowable subject matter of claim 2, claim 3 is amended to depend from claim 1, and claim 5 is amended to incorporate the allowable subject matter of claim 6. Support for added claim 8 can be found in original claims 1 and 4 and paragraphs [0074] and [0075] of the specification. Support for added claim 9 can be found in original claims 5 and 7. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

Applicant appreciates the Examiner's indication that claims 2, 3 and 6 recite allowable subject matter. As discussed above, independent claims 1 and 5 are amended to incorporate the allowable subject matter of claims 2 and 6, respectively. Thus, independent claims 1 and 5 are allowable.

The Office Action rejects claims 1, 4, 5 and 7 under 35 U.S.C. §102(b) over Tashiro et al. (Tashiro), U.S. Patent No. 6,622,480. The rejection of canceled claims 4 and 7 is moot. The rejection of claims 1 and 5 is moot because of the amendments discussed above.

Applicant submits that added claims 8 and 9 also are patentable over the applied reference. Specifically, Tashiro does not disclose a filter forced recovery portion that performs a recovery process when an accumulated time period during which an operating state of an internal combustion engine belongs to a second operating state range after a previous recovery process is finished becomes equal to or longer than a predetermined time period, as recited in independent claim 8, and similarly recited in independent claim 9:

Although, claims 4 and 7, which previously recited there features, were rejected in view of Tashiro, Tashiro merely discloses how to estimate an accumulated quantity of the PM

(see col. 14, line 35 to col. 15, line 30), not an accumulated time period. Therefore, independent claims 8 and 9 are patentable over Tashiro.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachment:
Amendment Transmittal

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